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REFERENCE TITLE: kindergarten; first grade; age requirements

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

SB 1032

Introduced by
Senator Mead

AN ACT

AMENDING SECTION 15-821, ARIZONA REVISED STATUTES; RELATING TO SCHOOL
ADMISSION REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-821, Arizona Revised Statutes, is amended to
3 read:

4 15-821. Admission of children; required age

5 A. Unless otherwise provided by article 1.1 of this chapter or by any
6 other law, all schools shall admit children WHO ARE between the ages of six
7 and twenty-one years, who reside in the school district and who meet the
8 requirements for enrollment in one of the grades or programs offered in the
9 school.

10 B. If a preschool program for children with disabilities is
11 maintained, a child is eligible for admission as prescribed in section
12 15-771.

13 C. If a kindergarten program is maintained, a child is eligible for
14 admission to kindergarten if the child is five years of age. A child is
15 deemed five years of age if the child reaches the age of five before
16 September 1 of the current school year. A child is eligible for admission to
17 first grade if the child is six years of age. A child is deemed six years of
18 age if the child reaches the age of six before September 1 of the current
19 school year. ~~The governing board may admit children who have not reached the~~
20 ~~required age as prescribed by this subsection if it is determined to be in~~
21 ~~the best interest of the children. For children entering the first grade,~~
22 ~~such determination shall be based upon one or more consultations with the~~
23 ~~parent, parents, guardian or guardians, the children, the teacher and the~~
24 ~~school principal. Such children must reach the required age of five for~~
25 ~~kindergarten and six for first grade by January 1 of the current school year.~~

26 D. Notwithstanding any other law, a child who resides with a family
27 member other than the child's parent ~~and is residing with the family member~~
28 while awaiting the outcome of a legal guardianship or custody proceeding is
29 deemed to reside in the school district where that family member resides if
30 the family member provides written documentary proof of one of the following:

31 1. The family member is attempting to obtain legal guardianship of the
32 child in an unresolved and uncontested guardianship proceeding commenced in
33 superior court. The family member shall provide documentation to the school
34 district within thirty days of enrollment that the family member is
35 attempting to obtain legal guardianship of the child. Upon obtaining legal
36 guardianship, the family member shall provide documentation to the school
37 district.

38 2. The family member is attempting to obtain custody of the child in
39 an unresolved and uncontested child custody proceeding commenced in superior
40 court. The family member shall provide documentation to the school district
41 within thirty days of enrollment that the family member is attempting to
42 obtain custody of the child. Upon obtaining custody, the family member shall
43 provide documentation to the school district.

1 E. THE AGE REQUIREMENTS PRESCRIBED IN SUBSECTION C OF THIS SECTION DO
2 NOT APPLY TO A PUPIL WHO WAS LAWFULLY ADMITTED TO A KINDERGARTEN PROGRAM OR
3 GRADE ONE IN ANOTHER STATE BEFORE ENROLLMENT IN A SCHOOL DISTRICT IN THIS
4 STATE.

5 Sec. 2. Applicability

6 This act does not apply to a pupil who was lawfully admitted to a
7 kindergarten program or first grade before the effective date of this act.